



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

MIKAL MAJEED and RUBY MAJEED,
Plaintiffs,

vs.

LEON LOTT, Elected Official; RICHLAND
COUNTY SHERIFF'S DEP'T; and
ROBERTS TOWING & TRANSPORT LLC;
Defendants.

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§ CIVIL ACTION NO. 3:13-2820-MGL-SVH

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND GRANTING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

This case was filed as a 42 U.S.C. § 1983 action. Plaintiffs are proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the motion for summary judgment filed by Defendants Lott and Richland County Sheriff's Department (Richland County Defendants) and the motion for summary judgment filed by Defendant Roberts Towing & Transport LLC (Defendant Robert Towing) be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on October 6, 2014, and the Clerk of Court entered Plaintiff's objections on October 14, 2014. The Court has carefully considered the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

Plaintiffs complain that Richland County Sheriff's Department officers falsely arrested Plaintiff Ruby Majeed without a warrant. They also contend that the officers illegally searched Plaintiffs' two vehicles and seized their vehicle tags without due process. Plaintiffs further maintain that Defendant Robert Towing improperly towed one of their vehicles. Plaintiffs seek both monetary damages and injunctive relief.

The Magistrate Judge asserts that Plaintiffs constitutional claims against the Richland County Defendants, which stem from Plaintiff Ruby Majeed's arrest and the search and seizure of Plaintiffs' vehicles, are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The Court agrees.

Under *Heck*,

when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.

512 U.S. at 487.

In the present case, if Plaintiffs prevailed on their constitutional claims against the Richland County Defendants, their success would necessarily imply the invalidity of Plaintiff Ruby Majeed's conviction. Moreover, Plaintiffs have failed to demonstrate that Plaintiff Ruby Majeed's conviction has already been invalidated. Consequently, the Richland County Defendants motion for summary judgment must be granted.

The Magistrate Judge also suggests that the Court grant Defendant Robert Towing's motion for summary judgment on the basis of Plaintiff's failure to dispute Defendant Robert Towing's statement that it did not tow Plaintiffs' vehicle. Inasmuch as Plaintiffs do not address this issue in their objections, the Court assumes that Plaintiffs do not object to Defendants Robert Towing's dismissal from this suit. Therefore, the Court will grant Defendants Robert Towing's motion for summary judgment.

Plaintiff's objections are generally nothing more than a hodge podge of arguments already considered and rejected by the Magistrate Judge, meritless contentions, and ad hominem attacks on the Magistrate Judge. As such, the Court will overrule the objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that the Richland County Defendants motion for summary judgment and Defendant Roberts Towing's motion for summary judgment are **GRANTED**. As such, all other pending motions are rendered **MOOT**.

IT IS SO ORDERED.

Signed this 24th day of November, 2014, in Spartanburg, South Carolina.

s/ Mary G. Lewis

 MARY G. LEWIS
 UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.